IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-11-136-SPS
)	
SHIRLEY ZEY SMITH,)	
)	
Defendant.)	

OPINION AND ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Upon consideration of the Plaintiff's Motion for Summary Judgment and Brief in Support [Docket No. 36], the Court finds genuine issues of material fact as to the following question: whether Ms. Smith's submissions of claims for payment at each of her cosmetology schools were made "knowingly" as that term is defined by the False Claims Act, 31 U.S.C. § 3729(b). The existence of such a fact question precludes summary judgment, *see* Fed. R. Civ. P. 56(a) ("The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."), and the Plaintiff's motion is accordingly hereby DENIED.

DATED this 30th day of September, 2013.

Steven P. Shreder

United States Magistrate Judge Eastern District of Oklahoma